

REMARKS

The present amendment is submitted in response to the Office Action dated April 21, 2004, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by August 21, 2004.

Claims 9-16 are pending in this application.

In the Office Action, the Information Disclosure Statements filed March 12, 2002 and June 3, 2002 were objected to, on grounds no PTO-1449 forms attached to the references. Claims 9, 11, and 15-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,049,901 to Gelbart in view of U.S. Patent No. 5,672,464 to Nelson. Claims 10 and 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbart and Nelson as applied to claim 1 above, and further in view of U.S. Patent No. 6,208,369 to Oren et al ("Oren").

Turning first to the objection to the IDS, the Applicants intend to file the requested PTO-1449 forms.

Regarding the substantive rejections of the claims, the Applicants respectfully disagree that the cited reference combination to Nelson and Gelbart make obvious the present invention. The patent to Nelson teaches terminating the parallel flow of the particular line of data across the spatial light modulator array and reducing the total light energy level impinging on the PCB or reticle. This is disclosed in Nelson, column 4, lines 6-15 (not column 3, lines 37-57, as

indicated by the Examiner). By controlling the total number of exposure lines actually utilized, the exposure process can be tailored to accommodate process equipment and photoresist chemistry variables.

In contrast thereto, on page 3, lines 15-20 of the present application, the present invention teaches that the exposure time can be varied for every pixel in the row, making it possible, thereby, to compensate non-uniformities. The compensation of non-uniformities is not possible with the teaching of Nelson, because there the parallel flow of the particular line as a whole is terminated. Therefore, only a complete row or several rows are omitted by which the exposure process can be tailored to accommodate process equipment and photoresist chemistry variables, but not uniformities within one and the same row.

The present invention, however, is able to compensate these non-uniformities within one row, because the exposure time can be varied for every pixel in the row individually. This is not possible with the teaching of Nelson.

Because the combination of the Nelson and Gelbart references fails to suggest to the practitioner the features of the present invention as defined in claim 9 of the present invention, the rejection under Section 103 cannot be maintained. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under Section 103, teachings of references can be combined only if there is some suggestion or incentive to do

so. **ACS Hosp. Sys., Inc. V. Montefiore Hosp.**, 221 USPQ 929, 932, 933 (Fed. Cir. 1984).

For the reasons set forth above, the Applicants respectfully submit that claims 9-16 are patentable over the cited art. The Applicants further request withdrawal of the rejections under 35 U.S.C. 103 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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